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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,871	03/31/2004	Adam J. Ferrari	109878.141 US1	5569
23910	7590	05/25/2007		
FLIESLER MEYER LLP 650 CALIFORNIA STREET 14TH FLOOR SAN FRANCISCO, CA 94108			EXAMINER VY, HUNG T	
			ART UNIT	PAPER NUMBER
			2163	
			MAIL DATE	DELIVERY MODE
			05/25/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/813,871

Applicant(s)

FERRARI ET AL.

Examiner

Hung T. Vy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 and 20-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 20-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>03/08/2007</u> .  | 6) <input type="checkbox"/> Other: _____                          |

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#### **DETAILED ACTION**

1. As of entry of the amendment filed on dated 03/08/2007, claims 1-11 and 20-22 are pending in this application as result of the cancellation of claims 12-19 and the addition of claims 20-22. Upon reconsideration, Applicant's arguments filed 03/08/2007, with respect to claims 1-11 and 20-22 have been fully considered and are persuasive. The office action of claims 1-11 mailed on 10/06/2006 has been withdrawn.

#### **Information Disclosure Statement**

2. The information disclosure statement (IDS) submitted on 3/08/2007. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has being considered by the examiner.

#### **Summary of claims**

3. Claims 1-11 and 20-22 are pending.

Claims 1-11 and 20-22 are rejected.

#### **Double Patenting**

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to

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be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-2, 5 and 20 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 3, 4, 53 and 54 of U.S. Patent No. 7, 035, 864. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-2, 5 and 20 of the instant application substantially recite the limitations of claims 1, 3, 4, and 53-54 of U.S. Patent No. 7,035,864. Therefore, it would have been obvious to one of ordinary skill in the art of a computer-implement search and navigation system for set of materials at the time the invention was made to modify the cited as indicated 1-2, 5 and 20 of the instant application since the omission and addition of the cited limitations would have not changed the process according to which the computer-implemented search and navigation for set of materials. Therefore, the ordinary skill artisan would have been also motivated to modify claim 1-2, 5 and 20 of the cited US instant application by adding a third attribute value pair having a third attribute, which is not the same as the first attribute and is mutually incomparable with the second attribute value pair. The cited adding steps or elements would not interfere with the functionality of the steps previously claimed and would perform the same function.

The following the chart of claims that are matching obviousness type double patenting:

10/813 871	7,035,864
Claims 1, 2, 5 and 20	Claims 1,3,4,53,54

Claims 3-4, 6-10 and 21-22 are rejected on the ground of nonstatutory obviousness-type double patenting because if fails to resolve the deficiencies of claim 2, 5 and 20.

**Allowable Subject Matter**

5. Claims 1-11 and 20-22 would be allowable if a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

With respect to claim 1, none of the references of record teaches or suggests the claimed the claimed a computer-implemented search and navigation system for set of materials comprising, along with all the other claimed feature, at least the first attribute value pair and second attribute pair having a second attitude, which is not the same as the first attribute, in which the second attribute value pair does not describe all the materials that the second attribute characterizes, a rules engines wherein a first rule includes a first trigger that includes a third attribute value pair, and first action for providing a first manipulates subset of materials in place of the current particular subset of materials corresponding to the current navigation sate if the first rule is activated, modifying one or more rules from the set of rules or for providing a representation of how modification of one or more rules affects the response to the first query.

With respect to claims 2, 5 and 20, none of the references of record teaches or suggests the claimed the claimed a computer-implemented search and navigation system for set of materials comprising, along with all the other claimed feature, a rules engine for defining and processing a set of rules for manipulating content for display

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generated from a current navigation state, first content for display being generated using the current navigation state if no rule is activated, wherein each rule is composed of a trigger for activating the rule if the trigger is satisfied, wherein the trigger is evaluated against the current navigation state, and an action for providing second content for display in place of first content for display if the rule activated, wherein a first rule includes a first trigger that includes a third attribute-value pair, and a first action for providing a first manipulated subset of materials in place of the current particular subset of materials corresponding to the current navigation stage if the rule is activated.

With respect to claims 3-4, 6-10 and 21-22, claims 3-4, 6-10 and 21-22 depend to claims 2, 5 and 20, therefore 3-4, 6-10 and 21-22 are allowed if the Applicant resolve the rejection obviousness-type double patenting above.

### **Response to Arguments**

6. Applicant's arguments filed 03/08/2007, with respect to claims 1-11 and 20-22 have been fully considered and are persuasive.

### **Conclusion**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Vy whose telephone number is (571) 272-1954. The examiner can normally be reached on Monday-Friday 8:30 am - 5:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular communications.

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Information regarding the status of an application may be obtained from the patent Application Information Retrieval (PAIR) system. Status information for published application may be obtained from either private Pair or Public Pair. Status information for unpublished applications is available through Private Pair only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have question on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Hung T. Vy', followed by a long horizontal line extending to the right.

Hung T. Vy  
Art Unit 2163.  
May 23, 2007.